

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHARON A. JOHNSON,

Defendant.

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8:07CR346

ORDER

This matter is before the court on the motion to continue by defendant Sharon A. Johnson (Johnson) (Filing No. 54). Johnson seeks a continuance of the trial of this matter which is scheduled for January 26, 2009. Johnson has submitted an affidavit wherein she represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 57). Johnson has submitted medical reports warranting the requested continuance (Filing No. 59). Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Johnson's motion to continue trial (Filing No. 54) is granted.
2. Trial of this matter is re-scheduled for **April 27, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 23, 2009 and April 27, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(B)(4).

DATED this 23rd day of January, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge